

September 13, 2013

The Honorable Mignon Clyburn, Acting Chairwoman
The Honorable Jessica Rosenworcel
The Honorable Ajit Pai
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: WC Docket No. 13–184

Dear Chairwoman Clyburn, Commission Rosenworcel, and Commission Pai:

On behalf of the California Charter Schools Association (CCSA), the professional and membership organization supporting California's 1,110+ charter schools serving over a half million students, I am writing regarding your Notice of Proposed Rulemaking on Modernizing the E-rate Program for Schools and Libraries (Proceeding #13-184).

By far, California has the most charter schools of any state in the country, with 1,110 schools. Florida ranks number two, far behind with 583 charter schools. We are also the fastest growing state in terms of charter growth, with 109 new schools in 2012-13. Currently, more than half a million students attend charter public schools in this state, with another approximately 50,000 students on waitlists. Nearly one tenth of unmet nationwide demand is here in California. However, historically, charter public schools have been under-represented in the E-Rate program. California's share for 2012 was \$463 million; about \$12.4 million was allocated to charters. This means that, although charter schools represent ten percent of public schools in California and seven percent of student enrollment, only about three percent of the state's share of E-rate funds went to charters last year.

Due to the rapid growth of charter public schools, we think it is necessary for programs that provide funding for public schools, such as E-rate, to recognize what can be very unique hardships for charter schools. We believe that this is the perfect time to recognize and address these hardships as you work toward your stated goals of (1) ensuring schools and libraries have affordable access to 21st Century Broadband that supports digital learning; (2) streamlining the administration of the E-rate program.

1. Ensuring schools and libraries have affordable access to 21st Century Broadband that supports digital learning

As you explore options for refining the E-rate program, we would ask you to address the under-representation of charter public schools in a program that is meant to assist all public schools in accessing and affording the high-capacity broadband connectivity that is necessary to support digital learning.

a. Ensuring equitable access for all public schools

One of the largest hurdles to opening a charter public school is finding an educationally appropriate facility. Traditional public schools typically have an existing district facility to use, but for charters, this is not the case. Those who are able to acquire district facilities typically do so through an agreement under Proposition 39, which requires a district site-use agreement, or through a lease with the district. If a charter school cannot obtain a district facility, they often end up leasing from a private entity. These

buildings will often not have the existing connectivity infrastructure that current school facilities will have. Even if existing school facilities have an outdated technology infrastructure, it is still a vastly superior situation than start-up charter schools that cannot get the necessary connectivity access before their first year of operation and are forced to spend the first year teaching students with little or no internet access.

b. Re-working the application timeline

Charter public schools, especially start-ups have found it difficult to access these funds due to a hardship imposed by application deadlines as timelines for new charter petition approval and securing a facility do not align. The annual E-rate application deadline is typically in late February which is very difficult for charter schools submitting their petitions for the following school year to meet. Charters are required to certify that they are a school before submitting their E-rate application, which is impossible to do before their charter has been granted by an authorizing agency, typically accomplished in late spring, early summer. Although many charter public schools would prefer, and do try, to have their charter approved by the E-rate application deadline, it is often out of their control as districts control much of the timing around charter petition and facilities decisions. In addition, most new charter schools have not secured a facility by the E-rate application deadline, so they have no way of knowing what their technology infrastructure needs will be. To alleviate these unique hardships, we would suggest the following options:

- Provide multiple application dates which will allow charters to submit their application after they have an approved charter.
- Allow new charter schools to apply at the original deadline, but to amend their application after they have their approved charter and identified a facility.
- Create a special application period for new charter schools.

Further, due to these timeline challenges, charters cannot provide their free and reduced price lunch (FRL) data for the population they will serve because their actual pupil population is not known until school opens. Recognizing this, we suggest the following options:

- Treat charter management organizations that are opening new schools to attach those new schools' eligibility to their existing application.
- Allow start-up charter schools that are not a part of a charter management organization to use either the zip code or district average to project their FRL.
- Allow for an amended application after the pupil population is known

2. Streamlining administration of the E-rate program

Since the start of the E-rate program and original adoption of these regulations, charter public schools have become a driving force in public education in California and the nation. Recognizing the desire to streamline this program, we would propose that you consider the following options that would improve administration and allow charters access to these vital funds.

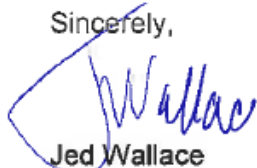
- Creating a charter school "pot" of funds for initial implementation of technology infrastructure in charter schools that are not housing students in a facility with an existing infrastructure.
- Allowing a state entity to be an applicant for charter schools, permitting that entity to administer a sub-program for charters.

CCSA strongly commends the FCC's efforts to update and improve the E-rate program. When the existing rules were first established, charter schools were just emerging on the public school landscape. Now public charter schools represent a robust, innovative and growing sector in public education and we therefore encourage you to consider the unique needs of charter schools as you commence updating and

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streamlining the program. We look forward to engaging as the process continues and thank you for the opportunity to provide input. If you have any further questions about this item, please do not hesitate to contact me at jed@calcharters.org.

Sincerely,



Jed Wallace
President and CEO
California Charter Schools Association



Nina Rees
President and CEO
National Alliance for Public Charter Schools

